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Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOTE-00 INR-11 NSAE-00 RSC-01 FAA-00 L-03 SS-20 H-03

PA-04 PRS-01 USIA-15 DRC-01 /105 W
---------- 105942
P 241627Z JUL 74
FM AMEMBASSY LONDON
TO SECSTATE WASHDC PRIORITY 2439

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E.O. 11652: N/A
TAGS: ETRN, UK
SUBJECT: CIVAIR - BRITISH OBJECT TO SEABOARD SCHEDULES

1. DEPT. OF TRADE (BROWN) HAS WRITTEN TO SEABOARD WORLD AIRLINES OBJECTING TO AUGUST 12 SCHEDULES CARRIER HAS FILED. OPERATIVE PARAGRAPHS OF DOT LETTER READ AS FOLLOWS:
ROUTE 119 EASTBOUND
ALTHOUGH THE POINTS SERVED ON FLIGHT 306 ARE SET OUT IN THE ORDER NEW YORK - LONDON - PARIS, IT SEEMS CLEAR ON EXAMINATION OF THE ARRIVAL AND DEPARTURE TIMES THAT THESE FLIGHTS ARE INTENDED TO OPERATE NEW YORK - PARIS - LONDON. SIMILARLY FLIGHT 314 APPEARS TO OPERATE NEW YORK - BOSTON - BRUSSELS - LONDON. UNDER THE TERMS OF YOUR OPERATING PERMIT ISSUED 16TH SEPTEMBER, 1966, PARIS AND BRUSSELS ARE AVAILABLE ONLY AS POINTS BEYOND LONDON AND ARE NOT AVAILABLE AS INTERMEDIATE POINTS. OPERATIONS IN ACCORDANCE WITH THE PROPOSED SCHEDULE WOULD BE IN CONTRAVENTION OF YOUR OPERATING PERMIT. SINCE THIS PERMIT AUTHORIZES YOU TO OPERATE ON ROUTE 2 OF THE UK - US AIR SERVICES AGREEMENT SUCH OPERATIONS WOULD BE OUTSIDE THE TERMS OF THAT AGREEMENT.
ROUTE 119 WESTBOUND
ON FLIGHT 9331, 317, 932, 303, THE PROPOSED SCHEDULES
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SHOW THE POINTS IN ITALY (AND IN ONE CASE ZURICH) ARE TO

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BE OPERATED AS INTERMEDIATE POINTS BETWEEN LONDON AND NEW YORK. OPERATIONS CONDUCTED IN ACCORDANCE WITH THESE SCHEDULES WOULD CONTRAVENE THE TERMS OF YOUR OPERATING PERMIT SINCE POINTS IN ITALY AND POINTS IN SWITZERLAND CAN ONLY BE OPERATED ON "POINTS BEYOND" LONDON AND PRESTWICK, AND NOT AS "INTERMEDIATE" POINTS. IT HAS COME TO OUR ATTENTION THAT SEABOARD'S ADVANCE WINTER SCHEDULES AS SUBMITTED TO IATA CONTAIN SIMILAR EXAMPLES OF APPARENT INFRINGEMENTS OF YOUR OPERATING PERMIT.
I WOULD BE GRATEFUL FOR YOUR EARLY ASSURANCE THAT FLIGHTS WILL ONLY BE OPERATED STRICTLY IN ACCORDANCE WITH YOUR OPERATING PERMIT AND THAT STEPS WILL BE TAKEN TO CORRECT THE INCORRECT ROUTINGS SHOWN IN YOUR PUBLISHED AND ADVANCE SCHEDULES WHICH DO NOT CONFORM WITH THE ROUTES AVAILABLE TO YOU AS SHOWN IN YOUR PERMIT AND IN THE ROUTE SCHEDULES OF THE BILATERAL SERVICES AGREEMENT. SUCH SCHEDULES ARE MISLEADING TO THE PUBLIC AND ARE CONTRARY TO THE TERMS UNDER WHICH THE PERMIT WAS ISSUED.

2. SEABOARD SCHEDULES ARE PRESENTED IN WAY WHICH MAY HAVE LED TO MISUNDERSTANDING BECAUSE FLIGHT 306 (NEW 747 SERVICE) CHANGES FLIGHT NUMBER AT PARIS AND OPERATES AS FLIGHT 311 PARIS/LONDON/NEW YORK. IN SIMILAR FASHION FLIGHT 314 CHANGES NUMBER AT BRUSSELS. WESTBOUND OPERATIONS ALSO MISLEADING BECAUSE OF CHANGES OF FLIGHT NUMBER. (SUGGEST DEPARTMENT OBTAIN COPIES OF SEABOARD SCHEDULES TO UNDERSTAND PROBLEM.) SEABOARD, OF COURSE, DREW UP SCHEDULES IN WAY THEY DID IN ORDER SHOW PUBLIC THAT, FOR EXAMPLE, FLIGHT 306 OUT OF NEW YORK TO PARIS ALSO AVAILABLE TO CARRY NEW YORK-LONDON CARGO AS WELL.

3. WE QUERIED BROWN ABOUT HIS LETTER TO SEABOARD. HE
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VERY EMPHATIC THAT FLIGHTS COULD NOT SERVE POINTS LISTED IN BEYOND COLUMN OF ROUTE SCHEDULE AS POINTS INTERMEDIATE TO LONDON. WE POINTED OUT CHANGES OF FLIGHT NUMBER AND BROWN OBSERVED THAT A ONE-DIRECTION SERVICE, FOR EXAMPLE, PARIS-LONDON-NEW YORK, WOULD BE "UNUSUAL" BUT HE WOULD NOT SAY IT WAS INCONSISTENT WITH BILATERAL AGREEMENT. WE SAID WE SAW NOTHING UNUSUAL ABOUT SUCH SERVICE AND WERE NOT EVEN SURE THAT WE COULD ACCEPT BROWN'S FIRST ARGUMENT THAT BEYOND POINTS COULD NOT BE SERVED AS INTERMEDIATE POINTS BY ALL-CARGO SERVICES. BROWN MENTIONED EARLY IN CONVERSATION, BUT WITHOUT MUCH EMPHASIS, THE PROBLEM OF HOLDING OUT TO PUBLIC A SERVICE NOT COVERED BY BILATERAL. WE DID NOT PURSUE THIS ASPECT OF PROBLEM SINCE WE WERE UNINSTRUCTED AND CONCERNED LEST WE MIGHT BE CREATING A PROBLEM WE COULD AVOID.

4. WE HAVE BEEN IN CLOSE TOUCH WITH NORMAN BLAKE, SEABOARD VP FOR EUROPE. WE AGREED THAT HE WOULD PROPOSE TO SEABOARD HEADQUARTERS THAT HE SEND REPLY TO BROWN LETTER POINTING OUT FLIGHT NUMBER CHANGES THAT WILL OCCUR TO SEE IF THIS IS SUFFICIENT TO SATISFY BROWN'S OBJECTIONS. IF BROWN COMES BACK, HOWEVER, RAISING THE HOLDING OUT ISSUE, WE MAY HAVE A PROBLEM ON OUR HANDS THAT WILL BE
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DIFFICULT TO RESOLVE.

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